

Case No. 4:23-cv-01517-MTS

After review of the briefing on this Motion and yet another review of Plaintiff's Second Amended Complaint and its exhibits, the Court again concludes that Plaintiff has stated claims against Defendant. *See Williams v. Target Stores*, 479 F. App'x 26, 28 (8th Cir. 2012) (per curiam) ("[F]ederal rules require that the charge of discrimination and the

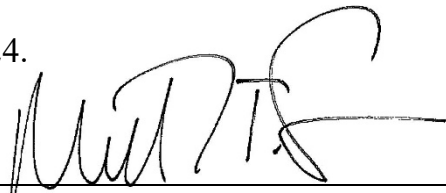
complaint be read together.” (citing Fed. R. Civ. P. 10(c)); *see also Miller v. Redwood Toxicology Lab’y, Inc.*, 688 F.3d 928, 931 n.3 (8th Cir. 2012).

Plaintiff is pro se. The Court, therefore, must liberally construe her filings. *See Stone v. Harry*, 364 F.3d 912, 914 (8th Cir. 2014) (citing *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)); *see also Frey v. City of Herculaneum*, 44 F.3d 667, 671 (8th Cir. 1995) (holding that in civil rights actions a complaint should be liberally construed when determining whether it has stated a cause of action sufficient to survive a motion to dismiss). Liberally construing Plaintiff’s Second Amended Complaint and reading it together with her charge of discrimination, the Court again concludes that Plaintiff has stated claims against Defendant. Therefore, the Court will deny Defendant’s Motion to Dismiss, and a forthcoming Order of the Court will set this matter for a Rule 16 conference.

Accordingly,

IT IS HEREBY ORDERED that Defendant Fort Zumwalt School District’s Motion to Dismiss, Doc. [18], is **DENIED**.

Dated this 11th day of September 2024.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE